

The Honorable Ricardo S. Martinez

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

WASHINGTON STATE ASSOCIATION OF HEAD
START AND EARLY CHILDHOOD ASSISTANCE AND
EDUCATION PROGRAM, ILLINOIS HEAD START
ASSOCIATION, PENNSYLVANIA HEAD START
ASSOCIATION, WISCONSIN HEAD START
ASSOCIATION, FAMILY FORWARD OREGON, and
PARENT VOICES OAKLAND,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official capacity as
Secretary of Health and Human Services; U.S.
DEPARTMENT OF HEALTH AND HUMAN SERVICES;
ANDREW GRADISON, in his official capacity as Acting
Assistant Secretary of the Administration for Children and
Families; ADMINISTRATION FOR CHILDREN AND
FAMILIES; OFFICE OF HEAD START; and TALA
HOOBAN, in her official capacity as Acting Director of
the Office of Head Start,

Defendants.

Case No. 2:25-cv-00781-RSM

**SUPPLEMENTAL
DECLARATION OF LAURI
MORRISON-FRICHTL IN
SUPPORT OF PLAINTIFFS'
MOTION FOR A
PRELIMINARY
INJUNCTION**

1 I, Lauri Morrison-Frichtl, hereby attest as follows:

2 1. I am over eighteen years old, of sound mind, and fully competent to make this
3 declaration. I have personal knowledge of the factual assertions set forth below.

4 2. I also incorporate into this declaration the information contained in the
5 declaration I submitted in support of Plaintiffs' Motion for a Preliminary Injunction, filed on
6 May 16, 2025. ECF No. 41.

7 3. Since my prior declaration, Illinois HSA members have continued to receive
8 instruction from Office of Head Start (OHS) staff that they may not use federal funds to
9 promote or implement diversity, equity, and inclusion initiatives, including initiatives they
10 have carried out in the past which they have never understood to be out of compliance with
11 federal antidiscrimination law.

12 4. For example, certain Illinois programs placed in the Designated Renewal
13 System (DRS) due to identified deficiencies in their programs were required to sign attestations
14 stating they would comply with the Executive Order titled "Ending Radical and Wasteful
15 Government DEI Programs and Preferencing." Specifically, in order to remove their "DRS"
16 status and be assured non-competitive grant renewal as a program in good standing, they were
17 required to attest that they will not use federal funding for any program expenditures that
18 promote or take part in diversity, equity, and inclusion initiatives. The attestation was not
19 limited to a commitment to comply with federal antidiscrimination law.

20 5. During the DRS negotiations, OHS staff instructed one Illinois HSA member
21 to remove certain references from their program narrative—such as an internal DEIA
22 committee and cultural awareness training—and informed them that they were prohibited from
23 including these initiatives in their Head Start program.

24 6. I was recently made aware of a Memorandum from the U.S. Department of
25 Justice, Office of Attorney General titled "Guidance for Recipients of Federal Funding
26 Regarding Unlawful Discrimination" and dated July 29, 2025 ("DOJ Memo"). To the best of
27 my knowledge, Illinois HSA members have not received any notice or instruction regarding

1 this DOJ Memo from OHS staff. Upon being made aware of the existence of the DOJ Memo,
2 Illinois HSA members have expressed concern they do not know how to comply with it,
3 particularly because it appears to conflict with the Head Start Act. For example, the DOJ Memo
4 states that grantees must not rely on “potentially unlawful proxies” that would violate
5 antidiscrimination laws, including prioritizing “cultural competence” and “lived experience,”
6 or ask for “diversity statements” or information about “race, sex, or other protected traits”—
7 which the DOJ Memo apparently interprets as violating antidiscrimination law. However,
8 much of this terminology is part of the Head Start Act, leaving grantees at a loss about whether
9 to follow the Memorandum or the Head Start Act.

10 Pursuant to 28 U.S.C. § 1786, I declare under penalty of perjury that the foregoing is
11 true and correct.

12
13 Dated: August 15, 2025



14 Lauri Morrison-Frichtl
15
16
17
18
19
20
21
22
23
24
25
26
27